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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,399	09/17/1999	GLEND A C. DELENSTARR	10981620-1	1056
22878	7590	02/09/2004	EXAMINER	
AGILENT TECHNOLOGIES, INC.			SISSON, BRADLEY L	
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.			ART UNIT	
P.O. BOX 7599			PAPER NUMBER	
M/S DL429			1634	
LOVELAND, CO 80537-0599			DATE MAILED: 02/09/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 09/398,399	<b>Applicant(s)</b> DELENSTARR ET AL.	
	<b>Examiner</b> Bradley L. Sisson	<b>Art Unit</b> 1634	

**All Participants:**

(1) Bradley L. Sisson.

(2) Bret Field.

**Status of Application:** Finally Rejected

(3) \_\_\_\_\_.

(4) \_\_\_\_\_.

**Date of Interview:** 4 February 2004

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☐ No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

Claims discussed:

*Each of the independent claims (claims 50, 58, 59, 60, 62, 63, 64, 66, 67, 68, and 71)*

Prior art documents discussed:

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

B. L. Sisson  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Mr. Sisson directed attention to page 12 of the response of 06 January 2004 as agreeing that the prior art teaches the claimed nucleic acids, and as such, claim 68, drawn to a kit comprising same, is fairly anticipated by the prior art. Mr. Field agreed that claim 68 could be cancelled.

Mr. Sisson directed attention to there being but one detecting step of a signal from the target nucleic acid, but that one is required to subtract a background signal value from the value measured for the target nucleic acid. Mr. Sisson indicated that the claims need to indicate that a measurement is taken of the background signal as well as of the target nucleic acids so that the requisite adjustment in measurements can be performed.

Mr. Field agreed to file a supplemental response under 37 CFR 1.116, via facsimile transmission, whereby claim 68 would be cancelled and that each of the remaining independent claims would be amended so to reflect that one is to measure the background signal, if any, prior to subtracting such a value from the target nucleic acids that are hybridized to probe features.